

system, as recited in claim 1. The Office Action contends, however, Partlo discloses a gas discharge laser for lithography that utilizes a purge contamination detection system comprising a small microphone which detects acoustic waves created by any significant absorption of the laser beam passing through a confined chamber in presence of any minute quantity of material (gas or otherwise). Thus, the Office Action contends that it would have been obvious of one of ordinary skill in the art that Gelernt lithographic system can be modified to use the acoustic detection apparatus and method of Partlo. Applicant respectfully disagrees.

Applicant submits that the present application claims priority benefit under 35 U.S.C. § 119 of European patent application 00310409.8 filed on November 23, 2000 which is earlier than the filing date of November 14, 2001 of Partlo et al. (Patent Application Publication US2002/0105994 A1). Similarly, the priority date of the present application, i.e., November 23, 2000, is earlier than the March 21, 2001 filing date of Suzuki. To perfect the November 23, 2000 priority date, Applicant has submitted a certified English copy of European patent application 00310409.8 when the present Application was filed. Since the perfected priority date of the present application is November 23, 2000, the Partlo et al. and Suzuki references are not prior art.

Applicant, however, notes that the Partlo et al. reference '994 is a continuation-in-part of US patent application No. 09/716,041, filed on November 17, 2000 and a continuation-in-part of US patent application No. 09/854,097, filed on May 11, 2001.

Applicant submits that the relied upon prior art "Purge Contamination Detection" in paragraphs [0088] and [0089] of Partlo et al. reference '994 is not disclosed in US patent application No. 09/854,097, filed on May 11, 2001 published under Patent Publication No. US 2002/0021728, a copy of which is submitted herewith for the records. Therefore, Applicant submits that the subject matter "Purge Contamination Detection" has been added at the later date of November 14, 2001 in Partlo et al. reference '994.

With regard to US patent application 09/716,041. Applicant has made a diligent effort to locate this application, however, could not find a copy of this application. Since the later filed US patent application 09/854,097 does not contain the relied upon subject matter "Purge Contamination Detection," Applicant assumes that the US patent application 09/716,041 also does not contain the same subject matter relied upon by the Office Action.

Consequently, until proven otherwise, Applicant submits that none of the references of record discloses, teaches or suggests the subject matter recited in claims 1 and 13 and dependent claims.

Therefore, Applicant respectfully submits that the rejection under 35 USC § 103 (a) is overcome, and requests that it be withdrawn.


CONCLUSION

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
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Enclosures.